

Notice of Allowability

Application No.

10/522,620

Examiner

Gregory R. Del Cotto

Applicant(s)

TERADA, EJI

Art Unit

1796

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amend. filed 4/2/10.
2. ☒ The allowed claim(s) is/are 1, 9, 15, 16, 18-21, 23, 24 renumbered 1-10.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 6/30/10.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Gregory R. Del Cotto/
Primary Examiner, Art Unit 1796

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Harris Pitlick on July 30, 2010.

The application has been amended as follows:

The Abstract:

Please insert the following Abstract on a separate sheet as the last page of the instant specification:

-- Abstract of the Disclosure

Provided is a hair detergent composition comprising the following components (a), (b), and (c): (a) an anionic surfactant, (b) a carboxylic acid selected from hydroxymonocarboxylic acids, dicarboxylic acids, and hydroxydicarboxylic acids, or a salt thereof, and (c) silicone derivative having a group containing both a hydroxyl group and a nitrogen atom as a side chain thereof bonded to a silicon atom. The hair detergent composition provides rich foaming during shampooing and at the same time is capable of giving excellent conditioning effects and luster to the hair. —

The Claims:

In claim 1, line 31, delete "Dow coming 8500 Conditioning Agent" and insert --
Bis (C13-C15 Alkoxy) PG Amodimethicone --.

In claim 1, line 32, after "solvent" insert -- in an amount from 0.5 to 10 wt% --.

In claim 1, line 32, delete the text beginning with "(d1), (d2),..." and ending with
and including the text "...number of 0 or 1" in line 49 and insert -- benzyloxyethanol and
propylene carbonate --.

In claim 21, line 2, delete "(d1) is present and is 2-benzyloxyethanol" and insert --
(d) comprises benzyloxyethanol --.

In claim 24, line 2, delete the text beginning with "is at least..." and ending with
and including the text "...and cyclohexanone" in line 4 and insert -- comprises propylene
carbonate --.

Cancel claims 7, 12-14, and 22.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Note that, Applicant's arguments, Applicant's amendments, and the Examiner's
Amendment are sufficient to place the instant claims in condition for allowance. Claim 1
is directed to an allowable product. Pursuant to the procedures set forth in MPEP §
821.04(B), claim 20, directed to the process of making or using an allowable product,
previously withdrawn from consideration as a result of a restriction requirement, is
hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because all claims previously withdrawn from consideration under 37 CFR 1.142
have been rejoined, **the restriction requirement as set forth in the Office action**

mailed on 1/10/08 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Of the references of record, the most pertinent is Bratescu et al (US 6,528,070). Bratescu et al teach emulsions containing an emulsification system containing a mixture of at least one cationic surfactant, at least one anionic surfactant, at least one "bridging surfactant", an oil and water, along with methods for preparing such emulsions. The emulsions are useful in preparing a variety of finished personal care, laundry, and cleaning products, including laundry detergents, textile treatment compositions, etc. See Abstract. However, Bratescu et al do not teach or suggest a composition containing the specific combination of an anionic surfactant, a specific carboxylic acid, at least one of benzyloxyethanol and propylene carbonate, a specific silicone derivative, and the other requisite components of the composition in the specific amounts as recited by the instant claims. Additionally, Applicant has provided data showing the unexpected and superior properties of the claimed invention in comparison to compositions falling outside the scope of the instant claims. Specifically, in Table 1, page 19 of the instant specification, Applicant has provided data showing that the claimed composition provides unexpected and superior hair softness, hair smoothness, and hair luster in comparison to compositions falling outside the scope of the instant claims.

None of the references, alone or in combination, teach or suggest a composition containing the specific combination of an anionic surfactant, a specific carboxylic acid, at least one of benzyloxyethanol and propylene carbonate, a specific silicone derivative, and the other requisite components of the composition in the specific amounts as recited by the instant claims. Furthermore, Applicant has provided data showing the unexpected and superior properties of the claimed invention in comparison to compositions falling outside the scope of the instant claims. Accordingly, since the prior art of record fails to teach or suggest such a composition as recited by the instant claims and Applicant has provided data showing the unexpected and superior properties of the claimed invention in comparison to compositions falling outside the scope of the instant claims, the instant claims are deemed allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory R. Del Cotto whose telephone number is (571) 272-1312. The examiner can normally be reached on Mon. thru Fri. from 8:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gregory R. Del Cotto/
Primary Examiner, Art Unit 1796

/G. R. D./
July 4, 2010